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09/613,067	07/10/2000	Mitsuru Nagasaka	450100-02611	9087

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FROMMER LAWRENCE & HAUG  
745 FIFTH AVENUE- 10TH FL.  
NEW YORK, NY 10151

EXAMINER
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MA, JOHNNY

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/613,067

Applicant(s)

NAGASAKA ET AL.

Examiner

Johnny Ma

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 February 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some    \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 2/3/2005 have been fully considered but they are not persuasive.

Applicant asserts "that a person of ordinary skill, upon reading either Williams and/or Wugofski would be discouraged from user preference information that includes registration patterns, which are selected first by a user, preceding a selection of corresponding search criteria." The Examiner respectfully disagrees. The Williams et al. reference discloses "system controller 104 may provide a window on television/monitor 102 wherein a number of pictures of possible system users are displayed, wherein the first picture displayed is that which system controller 104 has identified as the most likely system user, requesting that the user affirmatively response (e.g., via remote control or voice command) when their picture is displayed... If the match is verified as being accurate, then system controller 104 proceeds to configure the system in step 308" (Williams 10:26-41). Also note, the Williams et al. reference discloses a system that "dynamically configures the operating parameters of system 100 in accordance with the user preference information of the user profile corresponding to the determined entertainment user, and offers programming/entertainment suggestions, and a host of additional value added features to enhance the user's enjoyment of system 100" (Williams 3:22-27). Furthermore, the Williams et al. reference discloses, "users are able to access their preferences on user profile database 800 of FIG. 8 and add to, subtract from, and/or modify their recorded preferences" (Williams 17:17-22). Thus the user selects their corresponding profile [registration pattern] wherein the selection

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of the corresponding profile is followed by selection of preferences [search criteria] within that profile for configuring of the system [searching]. Also please see the rejection below.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams et al. (US 5,977,964) in further view of Wugofski et al. (US 2003/0056216 A1)..

As to claim 1, note the Williams et al. reference that discloses a method and apparatus for automatically configuring a system based on user's monitored system interaction and preferred system access times. The claimed "memory means for storing user preference information" is met by the plurality of user profiles are stored locally, in system 100 (9:31-34).

The claimed "means for detecting reception of a plurality of headline information related to an information" is met by system controller [104] determines from the available programming information all programs which match the user's preferences (Williams et al. 11:27-42) wherein the system controller searches the programming information each time it receives updated programming information (Williams et al. 12:1-4). The claimed "means for searching, based on said user preference information stored in said memory means" is met by accessing a program database for searching keywords that match user profile preferences (Williams et al. 11:30-32), given a particular search request, system controller 104 searches the programming information each time it receives updated programming information (via an on-line service, diskette, etc. as

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discussed above), and prompts the user with the found program information in step 402 (Williams et al. 11:61-67; 12:1-5). The claimed “headline information coincided with said user preference information among received headline information at the time when the reception of said plurality of headline information is detected by said detecting means” is met by system controller accessing program database searching for keywords which match user profile preferences (Williams et al. 11:30-32) and “user profile database 800 also includes storage for user-defined requests” (Williams et al. 11:61-64). The claimed “whereby said user preference information includes a plurality of registration patterns, which is to be selected first by a user, preceding a selection of corresponding search criteria” is met by “system controller 104 may provide a window on television/monitor 102 wherein a number of pictures of possible system users are displayed, wherein the first picture displayed is that which system controller 104 has identified as the most likely system user, requesting that the user affirmatively response (e.g., via remote control or voice command) when their picture is displayed... If the match is verified as being accurate, then system controller 104 proceeds to configure the system in step 308” (Williams 10:26-41) wherein “users are able to access their preferences on user profile database 800 of FIG. 8 and add to, subtract from, and/or modify their recorded preferences” (Williams 17:17-22). The claimed “and the results of searching based on said user preference information correspond to respective registration patterns” is met by a the plurality of user profiles [registration patterns] stored locally on system 100 (Williams et al. 9:31-34) wherein having determined the current user, the system provides a number of programming suggestions which most closely align with the user profile of that particular user (Williams 11:22-27). However, the Williams et al. reference does not specifically disclose “whereby the results of searching

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based on said user preference information are stored so that they can be recalled in response to a command initiated by said user.” Now note the Wugofski et al. reference which discloses a system for managing favorite channels where theme-based favorites list requires that the favorites list correspond to the current contents of the EPG content guide (Wugofski et al. [0039]) are stored in a favorites database (Wugofski et al. [0036]). “The selected theme and selected sub-theme may be from a set of predefined keywords” (Wugofski et al. [0040]). “...the system may constrain the search to include only channels that are showing the themed event within the next several hours” (Wugofski et al. [0041]) and “[t]he update frequency indicates how often and when to search and recomputed the theme-based favorite list.” (Wugofski et al. [0042]). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Williams et al. programming suggestions lists for various users with the Wugofski et al. storing of list teaching for the purpose of providing readily recallable lists which alleviates the processor load caused by repeat searches and to recall data without the need to wait for the processor to complete the search.

As to claim 2, the claimed display means for displaying said headline information searched by said searching means. The Williams et al. reference discloses having developed a list of programming suggestions in step 400, system controller 104 prompts the system user, in an interactive pop-up window, with the list of programming suggestions, step 402 (11:49-52).

As to claim 3, the claimed recording means for recording said information related to said headline information searched by said searching means. The Williams et al. reference discloses if, however, the user elects to forego the suggested programming in step 404, system controller 104 may then prompt the user with the option of recording one of the suggested programs in step

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408. If the user elects to record one of the suggested programs, system controller 104 configures system 100 to record the program selection to any one of the available recording media (12:8-14).

As to claim 4, the claimed wherein said user preference information includes a plurality of preference items. The Williams et al. reference discloses as depicted, for television/monitor 102, user profile database 800 tracks user preferred channels, volume, program genre information, whether to block content information, and whether supplemental programming is requested with a particular channel (5:59-65). Additional preference information may also be stored in user profile database 800, including top ten favorite shows, most frequently watched/listened to source(s), most frequently watched/listened to channel(s)/station(s) per source, typical watching/listening periods, favorite genre(s), favorite commercial(s), favorite actor(s)/actress(es) (6:63-67; 7:1-2).

As to claim 5, the claimed wherein said information is broadcast program transmitted from broadcast stations. The Williams et al. reference discloses in one embodiment, for example, system 100 receives programming input from any or all of the following sources: cable broadcast 124, satellite broadcast 126 (e.g., via a satellite dish), very high frequency (VHF) or ultra high frequency (UHF) radio frequency communication of the broadcast networks 134 (e.g., via an aerial antenna), and/or the telephone/computer network interface (4:31-37). The Williams et al. reference also discloses in one embodiment, the program database is part of system controller 104, and is updated periodically by accessing a remote server (not shown) via telephone/network communications 128 or via other mediums such as distributed diskettes or CD

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ROMs, a vertical blanking interval (VBI) of an analog signal, or an additional data stream corresponding to a digital video signal (e.g., from a satellite system). (8:48-56).

As to claim 6, note the Williams et al. reference that discloses a method and apparatus for automatically configuring a system based on user's monitored system interaction and preferred system access times. The claimed "storing user preference information" is met by the plurality of user profiles are stored locally, in system 100 (9:31-34). The claimed "detecting reception of a plurality of headline information related to an information" is met by system controller [104] determines from the available programming information all programs which match the user's preferences (Williams et al. 11:27-42) wherein the system controller searches the programming information each time it receives updated programming information (Williams et al. 12:1-4). The claimed "and searching, based on user preference information stored at said storing step, headline information coincided with said user preference information among received headline information is detected at said detecting step" is met by system controller accessing program database and searching for keywords which match user profile preferences (Williams et al. 11:30-32) and "user profile database 800 also includes storage for user-defined requests" (Williams et al. 11:61-64) given a particular search request, system controller 104 searches the programming information each time it receives updated programming information (via an on-line service, diskette, etc. as discussed above), and prompts the user with the found program information in step 402 (Williams et al. 11:61-67; 12:1-5) and program database searching for keywords (Williams et al. 11:30-37). The claimed "whereby said user preference information includes a plurality of registration patterns, which is to be selected first by a user, preceding a selection of corresponding search criteria" is met by "system controller 104 may provide a



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window on television/monitor 102 wherein a number of pictures of possible system users are displayed, wherein the first picture displayed is that which system controller 104 has identified as the most likely system user, requesting that the user affirmatively response (e.g., via remote control or voice command) when their picture is displayed... If the match is verified as being accurate, then system controller 104 proceeds to configure the system in step 308" (Williams 10:26-41) wherein "users are able to access their preferences on user profile database 800 of FIG. 8 and add to, subtract from, and/or modify their recorded preferences" (Williams 17:17-22). The claimed "and the results of searching based on said user preference information correspond to respective registration patterns" is met by a the plurality of user profiles [registration patterns] stored locally on system 100 (Williams et al. 9:31-34) wherein having determined the current user, the system provides a number of programming suggestions which most closely align with the user profile of that particular user (Williams 11:22-27). However, the Williams et al. reference does not specifically disclose storing the results of the search so that they can be recalled in response to a command initiated by said user. Now note the Wugofski et al. reference which discloses a system for managing favorite channels where theme-based favorites list requires that the favorites list correspond to the current contents of the EPG content guide (Wugofski et al. [0039]) are stored in a favorites database (Wugofski et al. [0036]). "The selected theme and selected sub-theme may be from a set of predefined keywords" (Wugofski et al. [0040]). "...the system may constrain the search to include only channels that are showing the themed event within the next several hours" (Wugofski et al. [0041]) and "[t]he update frequency indicates how often and when to search and recomputed the theme-based favorite list." (Wugofski et al. [0042]). Therefore, the examiner submits that it would have been obvious to

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one of ordinary skill in the art at the time the invention was made to modify the Williams et al. programming suggestions lists for various users with the Wugofski et al. storing of list teaching for the purpose of providing readily recallable lists which alleviates the processor load caused by repeat searches and to recall data without the need to wait for the processor to complete the search.

As to claim 7, the claimed displaying said headline information searched at said searching step. The Williams et al. reference discloses having developed a list of programming suggestions in step 400, system controller 104 prompts the system user, in an interactive pop-up window, with the list of programming suggestions, step 402 (11:49-52).

As to claim 8, the claimed recording said information related to said headline information searched at said searching step. The Williams et al. reference discloses if, however, the user elects to forego the suggested programming in step 404, system controller 104 may then prompt the user with the option of recording one of the suggested programs in step 408. If the user elects to record one of the suggested programs, system controller 104 configures system 100 to record the program selection to any one of the available recording media (12:8-14).

As to claim 9, the claimed said user preference information includes a plurality of preference items. The Williams et al. reference discloses as depicted, for television/monitor 102, user profile database 800 tracks user preferred channels, volume, program genre information, whether to block content information, and whether supplemental programming is requested with a particular channel (5:59-65). Additional preference information may also be stored in user profile database 800, including top ten favorite shows, most frequently watched/listened to source(s), most frequently watched/listened to channel(s)/station(s) per source, typical

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watching/listening periods, favorite genre(s), favorite commercial(s), favorite actor(s)/actress(es) (6:63-67; 7:1-2).

As to claim 10, the claimed wherein said information is broadcast program transmitted from broadcast stations. The Williams et al. reference discloses in one embodiment, for example, system 100 receives programming input from any or all of the following sources: cable broadcast 124, satellite broadcast 126 (e.g., via a satellite dish), very high frequency (VHF) or ultra high frequency (UHF) radio frequency communication of the broadcast networks 134 (e.g., via an aerial antenna), and/or the telephone/computer network interface (4:31-37). The Williams et al. reference also discloses in one embodiment, the program database is part of system controller 104, and is updated periodically by accessing a remote server (not shown) via telephone/network communications 128 or via other mediums such as distributed diskettes or CD ROMs, a vertical blanking interval (VBI) of an analog signal, or an additional data stream corresponding to a digital video signal (e.g., from a satellite system). (8:48-56).

As to claim 11, note the Williams et al. reference that discloses a method and apparatus for automatically configuring a system based on user's monitored system interaction and preferred system access times. The claimed "remote commander means" is met by in one embodiment of the system controller 600, keyboard and pointing device are coupled to standard I/O bus 608 with a serial communication interface cable, while in alternate embodiments it may be communicatively coupled with an infrared (IR) interface or a radio-frequency (RF) interface (Williams et al. 14:30-35). The claimed "memory means for storing user preference information entered from said remote commander means" is met by "the plurality of user profiles are stored locally, in system 100" (Williams et al. 9:31-34) wherein user profile database 800 also includes

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storage for user-defined requests. System controller 104 allows individual users to input requests, via remote control, for particular suggestions. These requests can be for specific titles of shows/movies or keywords, the request may include wildcard (e.g., any shows with "star" in the title), and can also be negative (e.g., no shows with "star" in the title) (Williams et al. 11:61-67; 12:1). The claimed "means for detecting reception of a plurality of headline information related to an information" is met by system controller [104] determines from the available programming information all programs which match the user's preferences (Williams et al. 11:27-42) wherein the system controller searches the programming information each time it receives updated programming information (Williams et al. 12:1-4). The claimed "means for searching, based on said user preference information stored in said memory means" is met by accessing a program database for searching keywords that match user profile preferences (Williams et al. 11:30-32), given a particular search request, system controller 104 searches the programming information each time it receives updated programming information (via an on-line service, diskette, etc. as discussed above), and prompts the user with the found program information in step 402 (Williams et al. 11:61-67; 12:1-5). The claimed "headline information coincided with said user preference information among received headline information at the time when the reception of said plurality of headline information is detected by said detecting means" is met by system controller accessing program database searching for keywords which match user profile preferences (Williams et al. 11:30-32) and "user profile database 800 also includes storage for user-defined requests" (Williams et al. 11:61-64). The claimed "whereby said user preference information includes a plurality of registration patterns, which is to be selected first by a user, preceding a selection of corresponding search criteria" is met by "system controller

104 may provide a window on television/monitor 102 wherein a number of pictures of possible system users are displayed, wherein the first picture displayed is that which system controller 104 has identified as the most likely system user, requesting that the user affirmatively response (e.g., via remote control or voice command) when their picture is displayed... If the match is verified as being accurate, then system controller 104 proceeds to configure the system in step 308" (Williams 10:26-41) wherein "users are able to access their preferences on user profile database 800 of FIG. 8 and add to, subtract from, and/or modify their recorded preferences" (Williams 17:17-22). The claimed "and the results of searching based on said user preference information correspond to respective registration patterns" is met by a the plurality of user profiles [registration patterns] stored locally on system 100 (Williams et al. 9:31-34) wherein having determined the current user, the system provides a number of programming suggestions which most closely align with the user profile of that particular user (Williams 11:22-27). However, the Williams et al. reference does not specifically disclose storing the results of the search so that they can be recalled in response to a command initiated by said user. Now note the Wugofski et al. reference which discloses a system for managing favorite channels where theme-based favorites list requires that the favorites list correspond to the current contents of the EPG content guide (Wugofski et al. [0039]) are stored in a favorites database (Wugofski et al. [0036]). "The selected theme and selected sub-theme may be from a set of predefined keywords" (Wugofski et al. [0040]). "...the system may constrain the search to include only channels that are showing the themed event within the next several hours" (Wugofski et al. [0041]) and "[t]he update frequency indicates how often and when to search and recomputed the theme-based favorite list." (Wugofski et al. [0042]). Therefore, the examiner submits that it

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would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Williams et al. programming suggestions lists for various users with the Wugofski et al. storing of list teaching for the purpose of providing readily recallable lists which alleviates the processor load caused by repeat searches and to recall data without the need to wait for the processor to complete the search.

***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johnny Ma whose telephone number is (571) 272-7351. The examiner can normally be reached on 8:00 am - 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jm



VIVEK SRIVASTAVA  
PRIMARY EXAMINER